

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

v.

DAWANE ARTHUR MALLET,

Movant.

No. 2:02-cr-00416-TLN-AC

ORDER

Movant Dawane Arthur Mallett, a federal prisoner proceeding pro se, filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.


On July 11, 2025, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 476.) No party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007). The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 476) are ADOPTED in full;
2. The motion to vacate under 28 U.S.C. § 2255 (ECF No. 445) is DENIED;
3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and
4. The Clerk of the Court is directed to close the companion civil case, No. 2:24-cv-1782-TLN-AC, and to enter judgment.

Date: September 9, 2025



TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE